

IN THE SUPREME COURT OF THE STATE OF DELAWARE

ALEXANDER TSIPOURAS,	§
	§ No. 394, 2011
Defendant Below-	§
Appellant,	§
	§
v.	§ Court Below—Superior Court
	§ of the State of Delaware,
LORETTA GUE,	§ in and for Kent County
	§ C.A. No. SK05L-01-031
Plaintiff Below-	§
Appellee.	§

Submitted: October 6, 2011

Decided: November 8, 2011

Before **STEELE**, Chief Justice, **HOLLAND** and **BERGER**, Justices.

ORDER

This 8th day of November 2011, upon consideration of the appellant's opening brief and the appellee's motion to affirm, it appears to the Court that:

(1) The defendant-appellant, Alexander Tsipouras, filed his notice of appeal from an order of the Superior Court, dated July 1, 2011, in Superior Court Civil Action No. CK05L-01-031. A review of the Superior Court record reveals that, in open court on July 1, 2011, the Superior Court orally denied Tsipouras' motion to set aside a judgment in the case, which was closed in 2008. Tsipouras did not attach a transcript of the ruling being appealed.

(2) In his opening brief on appeal, Tsipouras appears to argue that the original 2005 judgment should not have been entered against him. The opening

brief offers no legal argument for reversing the Superior Court's denial of his motion to set aside the judgment, which was satisfied in 2008.

(3) After careful consideration of the parties' respective positions on appeal, we find it manifest that the judgment below denying Tsipouras' motion to reopen the judgment should be affirmed. The denial of a motion to reopen a judgment under Superior Court Rule 60(b) is addressed to the sound discretion of the trial court.¹ Tsipouras offers no reason for waiting so many years before seeking to reopen the judgment. Consequently, we find no abuse of the Superior Court's discretion in refusing to reopen the judgment in a case that has been closed for more than three years.

NOW, THEREFORE, IT IS ORDERED that the judgment of the Superior Court is AFFIRMED.

BY THE COURT:

/s/ Randy J. Holland
Justice

¹ *Battaglia v. Wilmington Sav. Fund Soc'y*, 379 A.2d 1132, 1135 (Del. 1977).